

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 14-415 JP

PHILLIP MADDALENI and
ANTHONY CHEUN,

Defendant.


ORDER

On September 22, 2014 Defendants filed an Unopposed Motion to Continue Trial Set for October 6, 2014 [Doc. No. 57]. Counsel for Defendants anticipate they will need additional time within which to resolve the case or prepare for trial, therefore the October 6, 2014 trial setting is vacated. Having considered the matters raised by the motion to continue the trial date, I find that there is insufficient time to prepare for a trial beginning October 6, 2014. Consequently, the trial setting of October 6, 2014 should be vacated and trial should be rescheduled, if one is needed, on December 1, 2014 at 1:30 p.m. in Albuquerque, New Mexico. I find under 18 U.S.C. §3161(h)(7)(A) that the ends of justice served by granting the motion to continue the trial from October 6, 2014 to December 1, 2014 outweigh the best interests of the public and the Defendant in a speedy trial, because denial of the motion would result in a miscarriage of justice by denying the parties adequate time to prepare for trial. Continuance of the trial from October 6, 2014 to December 1, 2014, does not result from congestion of the Court's docket; instead, continuance is required for the reasons stated above.

IT IS THEREFORE ORDERED THAT: The motion to continue the trial date of October 6, 2014, is granted; and

1. The new date for the call of the calendar is set on, Thursday, November 20, 2014, at 11:00 a.m. at the U.S. Courthouse, 421 Gold Ave. S.W. ~ Sixth Floor Courtroom. The trial is rescheduled on December 1, 2014 at 1:30 p.m., at the U.S. Courthouse, 333 Lomas Blvd. N.W., ~Fourth Floor, Mimbres Courtroom; and

2. The time between October 6, 2014 to December 1, 2014 is excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161 et seq.


SENIOR UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
BEFORE THE HONORABLE JAMES A. PARKER

By direction of The Honorable James A. Parker, this case will come on for jury selection and trial on a trailing calendar beginning on Monday, December 1, 2014 at 1:30 p.m. at the U.S. Courthouse, 333 Lomas Blvd. N.W. 4th Floor– Mimbres Courtroom.

A call of the calendar is set for Thursday, November 20, 2014 at 11:00 a.m. The call of the calendar will be held at the U.S. Courthouse, 421 Gold Ave. S.W. 6th Floor Courtroom. The defendant does not need to be present.

Proposed Voir Dire questions to the jury, Jury Instructions, and Motions in Limine are due, on or before, 5 working days before the above trial date.

The court must be advised of all plea agreements **not later than Monday, November 17, 2014.** The court will not accept a plea after that date except to at least one count of the indictment.

Please check the Court's website at <http://www.nmcourt.fed.us> for information regarding trial preparation, the call of the calendar, and jury instructions.

Inquiries and notice of change of plea should be directed to Juan Gonzales, Courtroom Deputy at (505) 348-2247.

I hereby certify that a copy of this calendar was served by mail or electronic means--to counsel of record as they are shown on the Court's docket.


MATTHEW J. DYKMAN, CLERK OF COURT